



City of Charleston

JOHN J. TECKLENBURG
Mayor

South Carolina
Department of Public Service

LAURA S. CABINESS, PE
Director

PUBLIC WORKS AND UTILITIES COMMITTEE AGENDA

There will be a meeting of the Public Works and Utilities Committee on Monday, August 14, 2017 to begin at 5:00 p.m. at 1st Floor Conference Room, 80 Broad Street. The following items will be heard:

A. Invocation

B. Approval of Public Works and Utilities Committee Minutes

April 11, 2017

May 9, 2017 – *DEFERRED*

May 23, 2017

June 20, 2017

July 11, 2017

C. Request to Set a Public Hearing

None

D. Acceptance and Dedication of Rights-of-Way and Easements

- a. **Sidewalk at Howle Avenue** – Approval to notify SCDOT that the City intends to full maintenance responsibility for the 5-linear-foot- wide by 208-linear-foot long concrete sidewalk, and two ADA ramp with detectable warning assemblies within the SCDOT maintained right-of-way on Howle Avenue (S-10-631). Letter and map attached.

- a. Letter
- b. Map

- b. **Sidewalk at Jenkins Road** – Approval to notify SCDOT that the City intends to full maintenance responsibility for the 5-linear-foot- wide by 229-linear-foot long concrete sidewalk, and two ADA ramp with detectable warning assemblies within the SCDOT maintained right-of-way on Jenkins Road (S-10-1690). Letter and map attached.

- a. Letter
- b. Map

- c. **Church Creek Landing** - Acceptance and dedication of Town Woods Road (50-foot right-of-way [436 LF]), Boykin Lane (50-foot right-of-way [373 LF]), and Waterfowl Lane (42-foot right-of-way [660 LF]). There are 42 lots. All infrastructure has been completed.
 - a. Title to Real Estate
 - b. Affidavit for Taxable or Exempt Transfers
 - c. Plat
 - d. Exclusive Storm Water Drainage Easements (2)
- d. **Grand Oaks, Phase 4** - Acceptance and dedication of Sterlington Way (50-foot right-of-way [357 LF]). There are 9 lots. All infrastructure with the exception of sidewalks has been completed, and the sidewalks are bonded.
 - a. Title to Real Estate
 - b. Affidavit for Taxable or Exempt Transfers
 - c. Plat
 - d. Exclusive Storm Water Drainage Easements

E. Requests for Permanent Encroachments

None

F. Temporary Encroachments Approved By The Department of Public Service (For information only)

- 1. **572 Wading Place** – installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/10, 2017.**
- 2. **2600 Josiah Street** – transfer from contractor – installed irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/10, 2017.**
- 3. **1640 Oak Leaf Street** – transfer from contractor – installed irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/10, 2017.**
- 4. **3309 Tabard Road** – installing 5 – 6-foot fence encroaching into drainage easement. This encroachment is temporary. **Approved 7/10, 2017.**
- 5. **47 Calhoun Street Unit A** – installing 24" x 22.57" right angle sign encroaching into right-of-way (HAJ Salon). This encroachment is temporary. **Approved 7/10, 2017.**
- 6. **560 King Street** – installing 19" x 28" right angle sign encroaching into right-of-way (Pour Taproom). This encroachment is temporary. **Approved 7/10, 2017.**
- 7. **2604 Josiah Street** – transfer from contractor – installed irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**
- 8. **2502 Josiah Street** - installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**
- 9. **2564 Josiah Street** - installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**

10. **2568 Josiah Street** - installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**
11. **2572 Josiah Street** - installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**
12. **2576 Josiah Street** - installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**
13. **2580 Josiah Street** - installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**
14. **2584 Josiah Street** - installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**
15. **1409 Tidal Mill Place** - installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**
16. **1417 Tidal Mill Place** - installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**
17. **1608 Oak Leaf Street** - installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**
18. **1455 Willtown Street** - installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**
19. **1934 Bellona Street** - installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**
20. **2812 Conservancy Lane** – installing wood fence encroaching into drainage easement. This encroachment is temporary. **Approved 7/20, 2017.**
21. **56 ½ Queen Street** – installing 18" x 24" right angle sign encroaching into right-of-way (The Healing Gallery). This encroachment is temporary. **Approved 7/20, 2017.**
22. **141 Beaufain Street** – installing tie in piping for two catch basins to be installed between 139 and 141 Beaufain to existing stormwater drain using 6-inch solid PVC pipe encroaching into right-of-way. This encroachment is temporary. **Approved 7/20, 2017.**
23. **58 Watroo Point** – installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 8/4, 2017.**
24. **2548 Daniel Island Drive** – transfer from contractor - installed irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 8/4, 2017.**
25. **1546 Thoroughbred Blvd** – installing 6-foot wood fence encroaching into drainage easement. This encroachment is temporary. **Approved 8/4, 2017.**
26. **1565 Chastain Road** – installing 6-foot wood fence encroaching into drainage easement. This encroachment is temporary. **Approved 8/4, 2017.**

- 27. 2715 Beadboard Drive** - installing wood fence encroaching into drainage easement. This encroachment is temporary. **Approved 8/4, 2017.**
- 28. 2804 Dresser Court** - installing wood fence encroaching into drainage easement. This encroachment is temporary. **Approved 8/4, 2017.**
- 29. 1551 Innkeeper Lane** - installing wood fence encroaching into drainage easement. This encroachment is temporary. **Approved 8/4, 2017.**
- 30. 2860 Conservancy Lane** - installing wood fence encroaching into drainage easement. This encroachment is temporary. **Approved 8/4, 2017.**
- 31. 1426 Tannery Row** - installing 6-foot wood fence encroaching into drainage easement. This encroachment is temporary. **Approved 8/4, 2017.**
- 32. 1036 Oak Bluff Avenue** – installing concrete driveway apron encroaching into drainage easement. This encroachment is temporary. **Approved 8/4, 2017.**

1. Miscellaneous or Other New Business

1. TO AMEND CHAPTER 27 OF THE CODE OF THE CITY OF CHARLESTON (STORMWATER MANAGEMENT & FLOOD CONTROL) BY ADDING TO SEC. 27-2 NEW DEFINITIONS GOVERNING REDEVELOPMENT WITHIN THE CITY OF CHARLESTON, BY ADDING A NEW PART TO SEC. 27-3 GOVERNING REDEVELOPMENT, BY AMENDING SECTION 27-25 TO ADDRESS INTERIM REDEVELOPMENT STANDARD LIMITATIONS, AMENDING SECTION 27-28 TO ALLOW FOR INTERIM DESIGN STANDARDS DESCRIBED HEREIN EXCLUSIVE OF THE EXISTING STORMWATER DESIGN STANDARDS MANUAL, AND RENUMBERING THE REMAINING SECTIONS TO ACCOMMODATE THE ADDITION OF THE NEW SECTION 27-28 DESCRIBED HEREIN.
 - a. Stormwater Ordinance 08_2007 Revisions
 - b. Memorandum – Recommendation for Redevelopment Standards for Stormwater Management in the City of Charleston.

Councilmember Rodney Williams
Chairperson

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.



City of Charleston

South Carolina

Department of Public Service

JOHN J. TECKLENBURG
Mayor

LAURA S. CABINESS, PE
Director

Date

Mr. Kirk R. Richards, P.E.
Assistant District Maintenance Engineer
SCDOT - District Six
6355 Fain Blvd
North Charleston, SC, 29406

RE: Maintenance of Sidewalk Standard Construction Materials at Howle Avenue (S-10-631)

Dear Mr. Richards:

This letter concerns the proposed installation of a 5-foot wide by 208-linear-foot long concrete sidewalk, and two ADA ramp with detectable warning assemblies to be constructed in conjunction with the Howle Avenue Office/Warehouse construction project, within the SCDOT right-of-way at Howle Avenue (S-10-631). It is our intention that these will be public sidewalks.

The City Council of Charleston, at its meeting held [date of meeting], agreed to accept full maintenance responsibility for the proposed sidewalk within the State maintained right-of-way shown on the attached drawing and which will be constructed under a valid SCDOT Encroachment Permit. The City of Charleston agrees to maintain this sidewalk and corner accessibility ramps in compliance with current ADA and SCDOT standards (*ADA Standards for Transportation Facilities*, *SC Highway Design Manual*, *SCDOT Standard Drawings*, *AASHTO Guide for Development of Pedestrian Facilities*).

Should there be any questions, please do not hesitate to contact me at 843-724-3754 or at cabinessl@charleston-sc.gov.

Sincerely,

Laura S. Cabiness, P.E.

Copy to:

Michael R. Metzler, Deputy Director
Thomas F. O'Brien, Deputy Director
Eduardo A. Calderon, Senior Civil Engineer
Brian Pokrant, GIS Analyst
Earthsource Engineering

LSC/eac



City of Charleston

South Carolina

Department of Public Service

JOHN J. TECKLENBURG
Mayor

LAURA S. CABINESS, PE
Director

Date

Mr. Kirk R. Richards, P.E.
Assistant District Maintenance Engineer
SCDOT - District Six
6355 Fain Blvd
North Charleston, SC, 29406

RE: Maintenance of Sidewalk Standard Construction Materials at Jenkins Road (S-10-1690)

Dear Mr. Richards:

This letter concerns the proposed installation of a 5-foot wide by 229-linear-foot long concrete sidewalk, and two ADA ramp with detectable warning assemblies to be constructed in conjunction with the Jenkins Road Office/Warehouse construction project, within the SCDOT right-of-way at Jenkins Road (S-10-1690). It is our intention that these will be public sidewalks.

The City Council of Charleston, at its meeting held [date of meeting], agreed to accept full maintenance responsibility for the proposed sidewalk within the State maintained right-of-way shown on the attached drawing and which will be constructed under a valid SCDOT Encroachment Permit. The City of Charleston agrees to maintain this sidewalk and corner accessibility ramps in compliance with current ADA and SCDOT standards (*ADA Standards for Transportation Facilities*, *SC Highway Design Manual*, *SCDOT Standard Drawings*, *AASHTO Guide for Development of Pedestrian Facilities*).

Should there be any questions, please do not hesitate to contact me at 843-724-3754 or at cabinessl@charleston-sc.gov.

Sincerely,

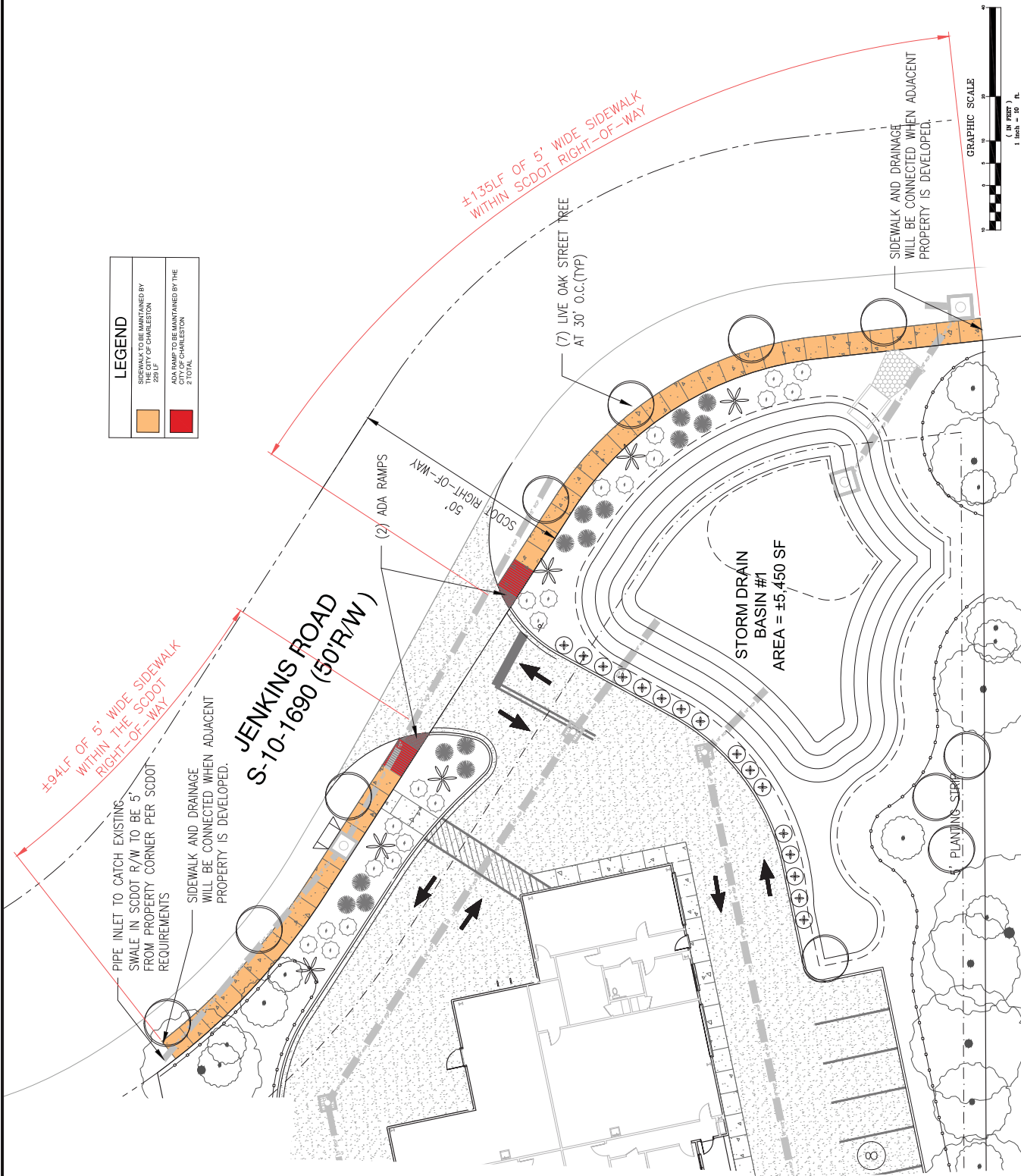
Laura S. Cabiness, P.E.

Copy to:

Michael R. Metzler, Deputy Director
Thomas F. O'Brien, Deputy Director
Eduardo A. Calderon, Senior Civil Engineer
Brian Pokrant, GIS Analyst
Earthsource Engineering

LSC/eac

									
JENKINS ROAD OFFICE WAREHOUSE 1470 JENKINS ROAD CHARLESTON, SC		JENKINS ROAD OFFICE WAREHOUSE 1470 JENKINS ROAD CHARLESTON, SC		JENKINS ROAD OFFICE WAREHOUSE 1470 JENKINS ROAD CHARLESTON, SC		JENKINS ROAD OFFICE WAREHOUSE 1470 JENKINS ROAD CHARLESTON, SC		JENKINS ROAD OFFICE WAREHOUSE 1470 JENKINS ROAD CHARLESTON, SC	
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C-201		C-201		C-201		C-201		C-201	



STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that Cedar Lane Development, LLC
 ("Grantor") in the state aforesaid, for and in consideration of the sum of
 ONE AND 00/100 DOLLAR (\$1.00), being the true consideration to it in hand paid at and before
 the sealing of these presents by the CITY OF CHARLESTON, the receipt whereof is hereby
 acknowledged, has granted, bargained, sold and released, and by these presents does grant,
 bargain, sell and release unto the said CITY OF CHARLESTON ("Grantee"), its successors and
 assigns, forever, the following described property which is granted, bargained, sold and released
 for the use of the public forever:

All of the property underneath, above, and containing those certain streets, roads, drives,
 and cul-de-sacs situate, lying and being in the City of Charleston, County of Charleston
 State of South Carolina, identified as (list street names)

Waterfowl Lane

Boykin Lane

Town Woods Road

as shown and designated on a plat entitled

Final Subdivision Plat of Church Creek Landing

prepared by Barry W. Suggs (Crescent Moon Land Surveying) PLS#25438
 dated June 22, 2016, revised June 22, 2016, and recorded on _____
 in Plat Book _____ at Page _____ in the _____ Office for Charleston County.
 Said property butting and bounding, measuring and containing, and having such courses and
 distances as are shown on said plat. Reference being had to the aforesaid plat for a full and
 complete description, being all of the said dimensions, a little more or a little less.

This being a portion of the property conveyed to Grantor herein by deed of the
 CCDG, LLC dated August 13, 2015 and recorded
 Aug 17, 2015 in Book 0489 at Page 013 in the RMC Office for
 Charleston County, South Carolina.

Grantee's Mailing Address:

City of Charleston
Department of Public Service
Engineering Division
2 George Street
Suite 2100
Charleston, South Carolina 29401

Portion of TMS No.:

355-07-00-003 and 355-07-00-004

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the CITY OF CHARLESTON, its successors and assigns forever.

AND Grantor does hereby bind itself and its heirs, executors and administrators, to warrant and forever defend, all and singular, the said premises unto the said City of Charleston, heirs and assigns, against Grantor and its heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS our Hand(s) and Seal(s) this 17th day of May 2017.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Grantor

Witness Number One

James A. Laird
Printed Name

Witness Number Two

Harry Golden
Printed Name

A Paul Kitchin IV / Manager
Printed Name Cedar Lane Development, LLC

STATE OF South Carolina

COUNTY OF CHARLESTON

ACKNOWLEDGEMENT

This foregoing instrument was acknowledged before me (the undersigned notary) by A. Paul Kitchin IV, the Manager of Cedar Lane Development, LLC, a Limited Liability Company, on behalf of the Grantor on the 17th day of May, 2017.

Signature of Notary: Ashley Gaston

Print Name of Notary: Ashley Gaston

Notary Public for South Carolina

My Commission Expires: Dec. 28th 2022

SEAL OF NOTARY



STATE OF SOUTH CAROLINA)

COUNTY OF Charleston) AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:


1. I have read the information on this affidavit and I understand such information.
2. The property was transferred by Cedar Lane Development, LLC
to City of Charleston on _____.
3. Check one of the following: The deed is
 - (A) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (B) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (C) ☒ exempt from the deed recording fee because (See Information section of affidavit): _____ (explanation required)
(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?

Check Yes _____ or No _____

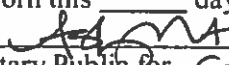
4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See Information section of this affidavit):
 - (A) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____
 - (B) _____ The fee is computed on the fair market value of the realty which is _____
 - (C) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____
5. Check YES ___ or NO ___ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is _____.
6. The deed recording fee is computed as follows:
 - (A) Place the amount listed in item 4 above here: _____
 - (B) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
 - (C) Subtract Line 6(b) from Line 6(a) and place the result here: _____

7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is _____.
8. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as A. Paul Kitchin IV / Manager.
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

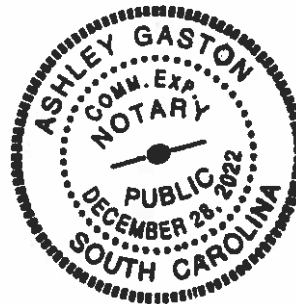


Responsible Person Connected with the Transaction

A. Paul Kitchin IV / Manager / CedarStone Development, LLC
Print or Type Name Here

Sworn this 17th day of May 2017


Notary Public for South Carolina
My Commission Expires: Dec. 28th, 2022



[illegible]

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[illegible]

Location Map - Not to Scale

BY THE RECORDING OF THIS PLAN AND UPON THE APPROVAL AND ACCEPTANCE BY THE CITY COUNCIL OF CHARLESTON, HEREBY DEDICATE ALL ROADS, RIGHTS OF WAY AND EASEMENTS TO THE USE OF THE

LOWERY CRUISELINE LTD
SEAFARLAND DEVELOPMENT LLC
PO BOX 10000 DODD'S BLVD
SUITE 103-118
MOUNT PLEASANT SC 29464

142

- q1 - iron rebar found
- q7 - iron pipe found
- o - 3" iron rebar set
- o - welder point (no iron set)

GUS - General Utility East-west

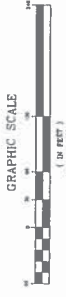
Easements
 ELLA Lines
 Property Lines
 Address

#31

PLANNING & RMC USE ONLY
PLANNING USE ONLY
ENGINEERING DIVISION
CITY OF CHARLESTON

DATE PLAN APPROVED: _____
APPROVED BY CITY ENGINEER: _____
APPROVED BY: _____
C.E.C. NUMBER: 12-12-12-12

1 Flat Book E Page 144
 2 Deed Book 492 Page 12

[illegible]

Final Subdivision Plat
of
Church Creek Landing
Containing a Total of 10.77 ± Acres
City of Charleston, Charleston County, South Carolina
for
Cedar Lane Development LLC.

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF CHARLESTON)

EXCLUSIVE STORM
WATER DRAINAGE
EASEMENTS
CITY OF CHARLESTON

This Agreement is made and entered into this _____ day of _____ 2017, by and between the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina (herein the "City"), and Cedar Lane Development, LLC (herein the "Owner").

WHEREAS, THE CITY OF CHARLESTON, is desirous of maintaining storm water drainage ditches and appurtenances ("Storm Water System") across a portion of _____ property identified by and designated as Charleston County tax map number 355-07-00-003 and -004 and to accomplish this objective, the City must obtain certain easements from the Owner permitting the maintenance of the Storm Water System through the referenced portion of _____ the Owner's property as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto it certain permanent and exclusive storm water drainage easements in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City of Charleston all of those certain New City of Charleston Drainage Easements (or D.E.) as such are identified on the above referenced portion of property and which are more fully shown on that certain plat entitled;
"Final Subdivision Plat of Church Creek Landing"

Prepared and executed by Barry Suggs, RLS Crescent Moon Land Surveying dated June 22, 2016,
revised on Jun 22, 2016, and recorded on _____ in Plat
Book _____ at Page _____ in the _____ Office for Charleston, South Carolina (herein the "Plat").
A copy of said plat is attached heretofore as "Exhibit A" and incorporated herein.

SAID EXCLUSIVE STORM WATER DRAINAGE EASEMENTS having such size, shape, location, and butting and bounding as shown on said Plat, reference to which is hereby made for a more complete description.

The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive and Permanent Storm Water Drainage Easements for purposes of periodic inspection, maintenance, repair and replacement of the Storm Water System. These Exclusive and Permanent Storm Water Drainage Easements shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owner for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of these Exclusive and Permanent Storm Water Drainage Easements during the conduct of its allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against Owner and its heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, the parties have set the Hands and Seals the day and year above written.

WITNESSES:

CITY OF CHARLESTON

Witness #1

By: Laura Cabiness
Its: Public Service Director

Witness #2

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by _____, the _____ of the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina, on _____.

Signature: _____

Print Name of Notary: _____

Notary Public for _____

My Commission Expires: _____

SEAL OF NOTARY

WITNESSES

OWNER:

Witness #1

Name: A. Paul Kitchin, Manager

Witness #2

STATE OF South Carolina)
COUNTY OF Charleston)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by A. Paul Kitchin IV, the Manager of Cedar Lane Development, LLC, a Limited Liability Company, on behalf of the Owner on May 17, 2017.

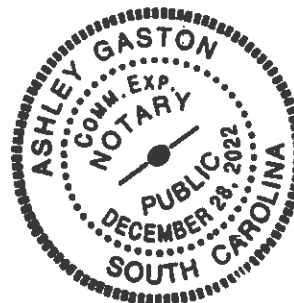
Signature: Ashley Gaston

Print Name of Notary: Ashley Gaston

Notary Public for South Carolina

My Commission Expires: Dec. 28th 2022

SEAL OF NOTARY



TITLE TO REAL ESTATE

Page 1 of 2

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the CITY OF CHARLESTON, its successors and assigns forever.

AND Grantor does hereby bind itself and its heirs, executors and administrators, to warrant and forever defend, all and singular, the said premises unto the said City of Charleston, heirs and assigns, against Grantor and its heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS our Hand(s) and Seal(s) this 26 day of April 2017.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF:

[Signature]
Witness Number One

Gabe Herant
Printed Name

[Signature]
Witness Number Two
Adrienne Leno
Printed Name

Grantor
[Signature]

Don McDonough
Printed Name
Operational VP

STATE OF South Carolina *****
COUNTY OF Berkeley

ACKNOWLEDGEMENT

This foregoing instrument was acknowledged before me (the undersigned notary) by Don McDonough, the Operational VP of Cal Atlanta 12 Group Inc, a Grantor Corporation on behalf of the Grantor on the 26 day of April, 2017.

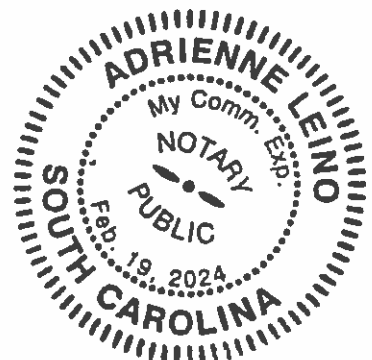
Signature of Notary: [Signature]

Print Name of Notary: Adrienne Leno

Notary Public for South Carolina

My Commission Expires: 2/19/2024

SEAL OF NOTARY



STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON) AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:


1. I have read the information on this affidavit and I understand such information.
2. The property was transferred by CALATLANTIC GROUP, INC.
to THE CITY OF CHARLESTON on _____.
3. Check one of the following: The deed is
 - (A) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (B) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (C) ☒ exempt from the deed recording fee because (See Information section of affidavit): #2 (explanation required)
(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?

Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See Information section of this affidavit):
 - (A) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____
 - (B) _____ The fee is computed on the fair market value of the realty which is _____.
 - (C) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.
5. Check YES _____ or NO _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is _____.
6. The deed recording fee is computed as follows:
 - (A) Place the amount listed in item 4 above here: _____
 - (B) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
 - (C) Subtract Line 6(b) from Line 6(a) and place the result here: _____

7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is _____.
8. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as Grantor.
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.




Responsible Person Connected with the Transaction
Operational V.P.

Don McDonough

Print or Type Name Here

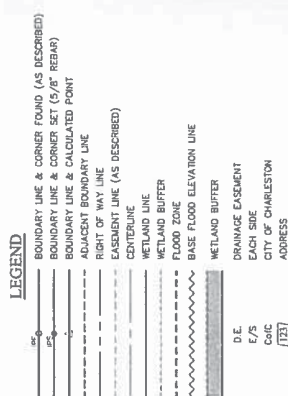
Sworn this 26 day of April, 2017



Notary Public for South Carolina

My Commission Expires: 2/19, 2024

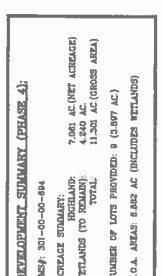




CURVE TABLE						
CURVE	RADIUS	DELTA	TRANSVERSE	LENGTH	BURNING	DOWN
C1	150.0	100.01%	1.33	17.73	10.00	20.00
C2	150.0	100.01%	1.33	17.73	10.00	20.00
C3	150.0	100.01%	1.33	17.73	10.00	20.00
C4	150.0	100.01%	1.33	17.73	10.00	20.00
C5	150.0	100.01%	1.33	17.73	10.00	20.00
C6	150.0	100.01%	1.33	17.73	10.00	20.00
C7	150.0	100.01%	1.33	17.73	10.00	20.00
C8	150.0	100.01%	1.33	17.73	10.00	20.00
C9	150.0	100.01%	1.33	17.73	10.00	20.00
C10	150.0	100.01%	1.33	17.73	10.00	20.00
C11	150.0	100.01%	1.33	17.73	10.00	20.00
C12	150.0	100.01%	1.33	17.73	10.00	20.00
C13	150.0	100.01%	1.33	17.73	10.00	20.00
C14	150.0	100.01%	1.33	17.73	10.00	20.00
C15	150.0	100.01%	1.33	17.73	10.00	20.00
C16	150.0	100.01%	1.33	17.73	10.00	20.00
C17	150.0	100.01%	1.33	17.73	10.00	20.00
C18	150.0	100.01%	1.33	17.73	10.00	20.00
C19	150.0	100.01%	1.33	17.73	10.00	20.00
C20	150.0	100.01%	1.33	17.73	10.00	20.00
C21	150.0	100.01%	1.33	17.73	10.00	20.00
C22	150.0	100.01%	1.33	17.73	10.00	20.00
C23	150.0	100.01%	1.33	17.73	10.00	20.00
C24	150.0	100.01%	1.33	17.73	10.00	20.00
C25	150.0	100.01%	1.33	17.73	10.00	20.00
C26	150.0	100.01%	1.33	17.73	10.00	20.00
C27	150.0	100.01%	1.33	17.73	10.00	20.00
C28	150.0	100.01%	1.33	17.73	10.00	20.00
C29	150.0	100.01%	1.33	17.73	10.00	20.00
C30	150.0	100.01%	1.33	17.73	10.00	20.00
C31	150.0	100.01%	1.33	17.73	10.00	20.00
C32	150.0	100.01%	1.33	17.73	10.00	20.00
C33	150.0	100.01%	1.33	17.73	10.00	20.00
C34	150.0	100.01%	1.33	17.73	10.00	20.00
C35	150.0	100.01%	1.33	17.73	10.00	20.00
C36	150.0	100.01%	1.33	17.73	10.00	20.00
C37	150.0	100.01%	1.33	17.73	10.00	20.00
C38	150.0	100.01%	1.33	17.73	10.00	20.00
C39	150.0	100.01%	1.33	17.73	10.00	20.00
C40	150.0	100.01%	1.33	17.73	10.00	20.00
C41	150.0	100.01%	1.33	17.73	10.00	20.00
C42	150.0	100.01%	1.33	17.73	10.00	20.00
C43	150.0	100.01%	1.33	17.73	10.00	20.00
C44	150.0	100.01%	1.33	17.73	10.00	20.00
C45	150.0	100.01%	1.33	17.73	10.00	20.00
C46	150.0	100.01%	1.33	17.73	10.00	20.00
C47	150.0	100.01%	1.33	17.73	10.00	20.00
C48	150.0	100.01%	1.33	17.73	10.00	20.00
C49	150.0	100.01%	1.33	17.73	10.00	20.00
C50	150.0	100.01%	1.33	17.73	10.00	20.00
C51	150.0	100.01%	1.33	17.73	10.00	20.00
C52	150.0	100.01%	1.33	17.73	10.00	20.00
C53	150.0	100.01%	1.33	17.73	10.00	20.00
C54	150.0	100.01%	1.33	17.73	10.00	20.00
C55	150.0	100.01%	1.33	17.73	10.00	20.00
C56	150.0	100.01%	1.33	17.73	10.00	20.00
C57	150.0	100.01%	1.33	17.73	10.00	20.00
C58	150.0	100.01%	1.33	17.73	10.00	20.00
C59	150.0	100.01%	1.33	17.73	10.00	20.00
C60	150.0	100.01%	1.33	17.73	10.00	20.00
C61	150.0	100.01%	1.33	17.73	10.00	20.00
C62	150.0	100.01%	1.33	17.73	10.00	20.00
C63	150.0	100.01%	1.33	17.73	10.00	20.00
C64	150.0	100.01%	1.33	17.73	10.00	20.00
C65	150.0	100.01%	1.33	17.73	10.00	20.00
C66	150.0	100.01%	1.33	17.73	10.00	20.00
C67	150.0	100.01%	1.33	17.73	10.00	20.00
C68	150.0	100.01%	1.33	17.73	10.00	20.00
C69	150.0	100.01%	1.33	17.73	10.00	20.00
C70	150.0	100.01%	1.33	17.73	10.00	20.00
C71	150.0	100.01%	1.33	17.73	10.00	20.00
C72	150.0	100.01%	1.33	17.73	10.00	20.00
C73	150.0	100.01%	1.33	17.73	10.00	20.00
C74	150.0	100.01%	1.33	17.73	10.00	20.00
C75	150.0	100.01%	1.33	17.73	10.00	20.00
C76	150.0	100.01%	1.33	17.73	10.00	20.00
C77	150.0	100.01%	1.33	17.73	10.00	20.00
C78	150.0	100.01%	1.33	17.73	10.00	20.00
C79	150.0	100.01%	1.33	17.73	10.00	20.00
C80	150.0	100.01%	1.33	17.73	10.00	20.00
C81	150.0	100.01%	1.33	17.73	10.00	20.00
C82	150.0	100.01%	1.33	17.73	10.00	20.00
C83	150.0	100.01%	1.33	17.73	10.00	20.00
C84	150.0	100.01%	1.33	17.73	10.00	20.00
C85	150.0	100.01%	1.33	17.73	10.00	20.00
C86	150.0	100.01%	1.33	17.73	10.00	20.00
C87	150.0	100.01%	1.33	17.73	10.00	20.00
C88	150.0	100.01%	1.33	17.73	10.00	20.00
C89	150.0	100.01%	1.33	17.73	10.00	20.00
C90	150.0	100.01%	1.33	17.73	10.00	20.00
C91	150.0	100.01%	1.33	17.73	10.00	20.00
C92	150.0	100.01%	1.33	17.73	10.00	20.00
C93	150.0	100.01%	1.33	17.73	10.00	20.00
C94	150.0	100.01%	1.33	17.73	10.00	20.00
C95	150.0	100.01%	1.33	17.73	10.00	20.00
C96	150.0	100.01%	1.33	17.73	10.00	20.00
C97	150.0	100.01%	1.33	17.73	10.00	20.00
C98	150.0	100.01%	1.33	17.73	10.00	20.00
C99	150.0	100.01%	1.33	17.73	10.00	20.00
C100	150.0	100.01%	1.33	17.73	10.00	20.00

FINAL PLAT
SHOWING THE SUBDIVISION OF
TRACT 4, TMS NO. 301-00-00-694 (11.301 AC)
TO CREATE
GRAND OAKS PHASE 4
CONTAINING 9 LOTS (3.891 AC),
RIGHT OF WAY'S (0.522 AC), AND
HOA AREAS (6.882 AC)
PREPARED FOR
CALATLANTIC GROUP, INC.

THE CITY OF CHARLESTON,
CHARLESTON COUNTY, SOUTH CAROLINA
DATE: MARCH 6, 2017 SCALE: 1" = 50'
LAND PLANNING LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING SURVEYING
HILAINC
29 Leibach Drive, A2, Charleston SC 29407-6988
tel: 843.763.1166 fax: 843.763.1909 web: www.hilainc.com
LOCATED IN



		LINE TABLE	
LINE	BEARING	LENGTH	
L1	N 304.112° W	49.63	
L2	N 05°34.02' E	18.86	
L3	N 103°50.02' E	27.80	
L4	N 103°50.02' E	27.80	
L5	N 323.445° W	7.77	
L6	N 89.571° W	36.91	
L7	N 69°1.102° W	71.35	
L8	N 69°1.102° W	14.99	
L9	N 372.42° W	10.88	
L10	N 212.32° W	5.03	
L11	N 212.32° W	47.48	
L12	N 147.321° W	18.56	
L13	N 147.321° W	18.56	
L14	N 43°37.31' E	35.27	
L15	N 43°37.31' E	35.27	
L16	N 125.33° E	30.60	
L17	N 65.25° E	30.47	
L18	N 57.16° E	35.27	
L19	N 23.934° E	18.86	
L20	N 23.934° E	18.86	
L21	N 87.543° E	1.26	
L22	N 60.116° E	31.24	
L23	S 50°46.44' E	28.20	
L24	S 83°31.16' E	10.88	
L25	S 83°31.16' E	10.88	
L26	S 85.28° E	7.77	
L27	S 85.28° E	10.88	

[illegible]

1001

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF CHARLESTON)

EXCLUSIVE STORM
WATER DRAINAGE
EASEMENTS
CITY OF CHARLESTON

This Agreement is made and entered into this _____ day of _____ 20____, by and between the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina (herein the “City”), and GRAND BEES DEVELOPMENT LLC (herein the “Owner”).

WHEREAS, THE CITY OF CHARLESTON, is desirous of maintaining storm water drainage ditches and appurtenances ("Storm Water System") across a portion of property identified by and designated as Charleston County tax map number 301-00-00-684 and to accomplish this objective, the City must obtain certain easements from the Owner permitting the maintenance of the Storm Water System through the referenced portion of the Owner's property as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto it certain permanent and exclusive storm water drainage easements in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City of Charleston all of those certain New City of Charleston Drainage Easements (or D.E.) as such are identified on the above referenced portion of property and which are more fully shown on that certain plat entitled;

“FINAL PLAN SHOWING THE SUBDIVISION OF TRACT 4, TMS NO. 301-00-00-694 (11.301 ac) TO CREATE GRAND OAKS PHASE 4 CONTAINING 9 LOTS (3.897 AC), RIGHT OF WAYS (0.522 AC), AND HOA AREAS (6.882 AC) PREPARED FOR THE RYLAND GROUP, INC.

Prepared and executed by HLA, INC. dated March 6, 2017,
revised on _____, and recorded on _____ in Plat
Book _____ at Page _____ in the RMC Office for Charleston, South Carolina (herein the "Plat").
A copy of said plat is attached heretofore as "Exhibit A" and incorporated herein.

SAID EXCLUSIVE STORM WATER DRAINAGE EASEMENTS having such size, shape, location, and butting and bounding as shown on said Plat, reference to which is hereby made for a more complete description.

The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive and Permanent Storm Water Drainage Easements for purposes of periodic inspection, maintenance, repair and replacement of the Storm Water System. These Exclusive and Permanent Storm Water Drainage Easements shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owner for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of these Exclusive and Permanent Storm Water Drainage Easements during the conduct of its allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against Owner and its heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, the parties have set the Hands and Seals the day and year above written.

WITNESSES:

CITY OF CHARLESTON

Witness #1

By: Laura Cabiness
Its: Public Service Director

Witness #2

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by _____, the _____ of the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina, on _____.

Signature: _____

Print Name of Notary: _____

Notary Public for _____

My Commission Expires: _____

SEAL OF NOTARY

WITNESSES:

Witness #1

Witness #2

STATE OF South Carolina
COUNTY OF Berkeley)

OWNER:

Name:

Donald T. McDonald
Operational VP

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by Don McDonald, the Operational VP of Atl Atlantic Group a Corporation, on behalf of the Owner on 4/26/17.

Signature: _____

Print Name of Notary: Adrienne Leino

Notary Public for South Carolina

My Commission Expires: 2/19/2029

SEAL OF NOTARY



STATE OF SOUTH CAROLINA)
)
)
COUNTY OF CHARLESTON)

**EXCLUSIVE STORM
WATER DRAINAGE
EASEMENTS
CITY OF CHARLESTON**

This Agreement is made and entered into this _____ day of _____, 20____, by and between the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina (herein the “City”), and CALATLANTIC GROUP, INC. (herein the “Owner”).

WHEREAS, THE CITY OF CHARLESTON, is desirous of maintaining storm water drainage ditches and appurtenances ("Storm Water System") across a portion of property identified by and designated as Charleston County tax map number 301-00-00-694 and to accomplish this objective, the City must obtain certain easements from the Owner permitting the maintenance of the Storm Water System through the referenced portion of the Owner's property as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto it certain permanent and exclusive storm water drainage easements in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City of Charleston all of those certain New City of Charleston Drainage Easements (or D.E.) as such are identified on the above referenced portion of _____ property and which are more fully shown on that certain plat entitled;

“FINAL PLAT SHOWING THE SUBDIVISION OF TRACT 4, TMS NO. 301-00-00-694 (11.301 ac) TO CREATE GRAND OAKS PHASE 4 CONTAINING 9 LOTS (3.897 AC), RIGHT OF WAYS (0.522 AC), AND HOA AREAS (6.882 AC) PREPARED FOR CALATLANTIC GROUP, INC.

Prepared and executed by HLA, INC. dated March 6, 2017,
revised on _____, and recorded on _____ in Plat
Book _____ at Page _____ in the RMC Office for Charleston, South Carolina (herein the "Plat").
A copy of said plat is attached heretofore as "Exhibit A" and incorporated herein.

SAID EXCLUSIVE STORM WATER DRAINAGE EASEMENTS having such size, shape, location, and butting and bounding as shown on said Plat, reference to which is hereby made for a more complete description.

The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive and Permanent Storm Water Drainage Easements for purposes of periodic inspection, maintenance, repair and replacement of the Storm Water System. These Exclusive and Permanent Storm Water Drainage Easements shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owner for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of these Exclusive and Permanent Storm Water Drainage Easements during the conduct of its allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against Owner and its heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, the parties have set the Hands and Seals the day and year above written.

WITNESSES:

CITY OF CHARLESTON

Witness #1

By: Laura Cabiness
Its: Public Service Director

Witness #2

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by _____, the _____ of the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina, on _____.

Signature: _____

Print Name of Notary: _____

Notary Public for _____

My Commission Expires: _____

SEAL OF NOTARY

WITNESSES:

Witness #1

Witness #2

STATE OF South Carolina)
COUNTY OF Berkeley)

OWNER

Name:

Donald McDowall
Operational VP

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by Don McDowall, the Operational VP of Cal Atlantic, a Corporation, on behalf of the Owner on 4/26/17.

Signature: _____

Print Name of Notary: Adrienne Leno

Notary Public for South Carolina

My Commission Expires: 2/19/2024

SEAL OF NOTARY



TO AMEND CHAPTER 27 OF THE CODE OF THE CITY OF CHARLESTON (STORMWATER MANAGEMENT & FLOOD CONTROL) BY ADDING TO SEC. 27-2 NEW DEFINITIONS GOVERNING REDEVELOPMENT WITHIN THE CITY OF CHARLESTON, BY ADDING A NEW PART TO SEC. 27-3 GOVERNING REDEVELOPMENT, BY AMENDING SECTION 27-25 TO ADDRESS INTERIM REDEVELOPMENT STANDARD LIMITATIONS, AMENDING SECTION 27-28 TO ALLOW FOR INTERIM DESIGN STANDARDS DESCRIBED HEREIN EXCLUSIVE OF THE EXISTING STORMWATER DESIGN STANDARDS MANUAL, AND RENUMBERING THE REMAINING SECTIONS TO ACCOMMODATE THE ADDITION OF THE NEW SECTION 27-28 DESCRIBED HEREIN.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 27, Section 1 et seq. of the Code of the City of Charleston is hereby amended by deleting the struck through text and adding thereto the following underlined phrases, which shall read as follows:

STORMWATER MANAGEMENT AND FLOOD CONTROL*/ARTICLE I.
STORMWATER MANAGEMENT ORDINANCE

ARTICLE I. STORMWATER MANAGEMENT ORDINANCE

DIVISION 1. GENERAL PROVISIONS

Sec. 27-1. Title.

This article shall be known as the "Stormwater Management Ordinance" of the City of Charleston, South Carolina.
(Ord. No. 2007-158, § 2, 8-21-07)

Sec. 27-2. Definitions.

The following words and terms when used in this article shall have the meaning respectively ascribed to them in this section.

Applicant is a person, firm, governmental agency, partnership, limited liability company, or any other entity who seeks to obtain approval under the requirements of this article and who, in addition to the property owner or operator, will be responsible for the land disturbing activity(ies) and related maintenance thereof.

As-built drawings are revised construction drawings containing an attestation clause signed by an engineer or surveyor that show the installed location of the new facilities on a project, including the stormwater system. This term and "record drawings" shall be synonymous.

Best management practices (BMPs) are any structural or non-structural measure or facility used for the control of stormwater runoff, be it for quantity or quality control. BMPs also include schedules of activities, prohibitions of practices, maintenance procedures, treatment

requirements, operating procedures, and other management practices to control site runoff, spillage or leaks, sludge or waste disposal, drainage from raw material storage, or measures that otherwise prevent or reduce the pollutant loading of receiving waters.

City shall mean the City of Charleston.

Construction or *construction activity* is activity involving clearing, grading, transporting, filling, or any other activity which causes land to be exposed to the danger of erosion, or which might create an alteration to an existing drainage way or other component of the city's stormwater management system or facility.

Development ~~or re-development~~ means any of the following actions undertaken by a person, a firm, a governmental agency, a partnership, a limited liability company, or any other individual or entity, without limitation:

- (a) Any division or subdivision of a lot, tract, parcel, or other divisions by plat or deed;
- (b) The construction, installation, or alteration of land, a structure, impervious surface or drainage facility;
- (c) Clearing, scraping, grubbing or otherwise significantly disturbing the soil, vegetation, mud, sand, or rock of a site; or
- (d) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand, or rock of a site.

Erosion means the general process by which soils or rock fragments are detached and moved by the action of wind, water, ice, and gravity.

Easement is an authorization by a property owner to the general public, a corporation, or a certain person or persons for the use of any designated part of his property for a specific purpose.

Flood/flooding is a temporary rise in the level of water which results in the inundation of areas not ordinarily covered by water.

Hazardous material is any item or agent (biological, chemical, radiological, or physical) which has the potential to cause harm to humans, other living organisms, or the environment, either by itself or through interaction with other factors.

Illicit connection means a connection to a City of Charleston stormwater management system or facility which results in a discharge that is not composed entirely of stormwater runoff except discharges pursuant to an NPDES permit (other than the NPDES MS4 permit for the City of Charleston).

Improper disposal means any disposal other than through an illicit connection that results in an illicit discharge, including, but not limited to the disposal of used oil and toxic materials resulting from the improper management of such substances.

Illicit discharge or *illegal discharge* means any activity which results in a discharge to a City of Charleston stormwater management system or facility or receiving waters that is not composed entirely of stormwater except (a) discharge pursuant to an NPDES permit (other than the NPDES for the City of Charleston) and (b) discharges resulting from fire-fighting activities.

Construction activity application means the set of drawings, specifications, design calculations, stormwater pollution prevention plan ("SWPPP"), and other documents necessary to demonstrate compliance with this article.

Low impact development (LID) is a set of principles and design components used to manage stormwater runoff by mimicking natural conditions and limiting pollutant transport through source control.

Maintenance means any action necessary to preserve stormwater system components, including conveyances, facilities, and BMPs in proper working condition, in order to serve the intended purposes set forth in this article and to prevent structural failure of such components.

Maximum extent practicable (MEP): is a technology-based control standard used in the municipal stormwater program against which SCDHEC Bureau of Water and permittees assess whether or not an adequate level of control has been proposed in the Stormwater Management Program (SWMP). MEP is applied to all permits issued to municipal separate storm sewer systems, including the city's, to achieve greater cooperation and consistency, to reduce conflicts and confusion, and to improve economies of scale in the effort to manage stormwater impacts.

MS4 means a municipal separate storm sewer system and includes all conveyances or system of conveyances (including roads with drainage systems, highways, rights-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, and other stormwater facilities) which receives, transports, stores, or treats stormwater runoff and which is (a) owned or operated by the City of Charleston; (b) designed or used for collecting or conveying stormwater; (c) not a combined sewer system; and (d) not a part of a publicly owned treatment works (POTW).

NPDES means National Pollutant Discharge Elimination System.

NPDES permit means the NPDES permit for stormwater discharges issued by SCDHEC pursuant to the Clean Water Act and the federal stormwater discharge regulations (40 CFR 122.26) that allows for restricting pollutant loads as necessary to meet water quality standards.

Operator means the person who is operating the property, the operator's agent, or any other person who acts in the operator's behalf.

Outfall or *discharge point* means the point where a City of Charleston stormwater management system or facility or other municipal and private system discharges to receiving waters.

Owner means the legal property owner, the owner's agent, or any other person who acts in the owner's behalf.

Person means any and all persons, natural or artificial and includes any individual, association, firm, corporation, limited liability company, business trust, estate, trust, partnership, two (2) or more persons having a joint or common interest, or an agent or employee thereof, or any other legal entity.

Pollutant means anything which may cause or contribute to ~~exceedences~~ exceedances of water quality standards, including but not limited to sediment, bacteria, nutrients, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, and industrial, municipal, and agricultural waste discharged into receiving waters.

Pollutant load is a numeric value representing an estimate of the mass of a given pollutant entering a stormwater system or receiving water.

Receiving waters refers to any lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State of South Carolina, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt.

Redevelopment shall mean development on a previously developed site where the impervious surface on the developed site is equal to or greater than twenty (20) percent of the total site and where any repair, reconstruction, or improvement to an existing site and/or to any structures located on that site such that the cumulative costs of repairs, over a five (5) year period equals or exceeds fifty (50) percent of the fair market value of the property and the structures located on that property; but excludes ordinary maintenance activities, remodeling of existing building interiors, resurfacing of paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regulation means any regulation, rule, or requirement prepared by and/or adopted by City Council pursuant to this article.

Spill means any accidental or purposeful discharge of any pollutants, hazardous materials, or other substance which is otherwise potentially detrimental to the designated use of receiving water.

Site means the land or water area where any development is physically located or conducted including adjacent land used in connection with the development.

SWMP means the City of Charleston's Stormwater Management Program, which shall describe the components to be used by the City of Charleston to control stormwater discharges, address flooding, and meet water quality standards.

Stormwater means rainwater runoff, snowmelt runoff, surface runoff, and drainage.

Stormwater management means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to meet the objectives of this article and its terms, including, but not limited to, measures that control the increased volume and rate of stormwater runoff and water quality impacts caused by man-made changes to the land.

Stormwater management system(s) and facility(ies) means those natural and man-made channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes and other physical works, properties, and improvements which transfer, control, convey, or otherwise influence the movement of stormwater runoff, be it for quantity or quality control.

Ten-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in ten (10) years. It may also be expressed as an exceedance probability with a ten-percent chance of being equaled or exceeded in any given year.

Twenty-five-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in twenty-five (25) years. It may also be expressed as an exceedance probability with a four (4) percent chance of being equaled or exceeded in any given year.

Two-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two (2) years. It may also be expressed as an exceedance probability with a fifty (50) percent chance of being equaled or exceeded in any given year.

Total maximum daily load (TMDL) is a regulatory value developed to represent the amount of a pollutant that receiving water can incorporate while meeting water quality standards. TMDL is further defined as the legal document developed by EPA and SCDHEC designating the pollutant load a permitted discharge is allowed to discharge into receiving water.

Undeveloped land shall mean property not altered from its natural state by construction or installation of improvements such as roads, drainage improvements, buildings, structures, or other impervious surfaces, or which has less than twenty (20) percent of its property covered by impervious surfaces.

Variance means the modification of the minimum stormwater management requirements contained in this article and the SWMP for specific circumstances where strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of this article.

Watercourse is any natural or man-made conveyance used to transport runoff from one location to the next.

Watershed is a drainage area or drainage basin contributing to the flow of stormwater into a watercourse or receiving water.

Water quality means those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity means those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

Sec. 27-3. Findings.

City council hereby makes the following findings of fact:

(a) Uncontrolled stormwater runoff may have significant, adverse impacts on the health, safety, and general welfare of the city and the quality of life of its citizens. The potential impacts of uncontrolled stormwater can lead to the degradation of water quality and general riverine ecosystem through excessive or illegal pollutant discharges, erosion, and flooding thereby limiting or removing its designated and potential uses;

(b) Redevelopment of parcels exhibiting existing impervious surfaces greater than twenty (20) percent of the total site area is becoming common practice within the City, and is encouraged to provide community benefit and reduce urban sprawl. As such, the City desires to implement practices for these parcels to reduce stormwater runoff, control peak flow and improve water quality for the betterment of the community and protection of downstream property and natural resources.

(c) The city is required by federal law [33 U.S.C. 1342(p) and 40 CFR 122.26] to obtain a NPDES permit from the South Carolina Department of Health and Environmental Control ("SCDHEC") for stormwater discharges from the city's stormwater system. The NPDES permit requires the city to impose controls to reduce the discharge of pollutants in stormwater to the maximum extent practicable (MEP) using management practices, control techniques and systems, design and engineering methods; and such other provisions which are determined to be appropriate for the control of such pollutants; and

(d) Additionally, certain facilities that discharge stormwater associated with an industrial activity, including construction, development, and re-development activities, are required by the South Carolina Code of Regulations 61-9-122 to obtain NPDES permits for such activities.

Sec. 27-4. Authority.

This article is adopted pursuant to the authority conferred upon the City by the South Carolina Constitution, Act No. 194 of the Acts and Joint Resolutions of 1971 enacted by the General Assembly of the State of South Carolina, approved April 23, 1971, in 1976 South Carolina Code of Laws Sections 4-9-30, 4-9-40, 5-7-30, and 5-7-60.

Sec. 27-5. Jurisdiction.

The jurisdiction and scope of this article shall encompass the corporate limits of the city, as they may be adjusted from time to time after the ratification of this article.

Sec. 27-6. Purpose.

(a) It is the purpose of this article to protect, maintain, and enhance water quality and the environment of the city and the short-term and long-term public health, safety, and general welfare of the citizens of the city. This article is also designed to minimize property damage by establishing requirements and procedures to control the potential adverse effects of increased stormwater runoff and related pollutant loads associated with both future development and existing developed land. Proper management of stormwater runoff will further the purpose of this article to ensure a functional drainage system, reduce the effects of development on land and riparian erosion, attain and maintain water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, maintain to the maximum extent practicable pre-developed runoff characteristics of the area in terms of flow rate, volume, and pollutant concentration, and facilitate economic development while mitigating associated pollutant, flooding, erosion, and drainage impacts.

(b) It is further the purpose of this article to direct the development and implementation of a stormwater management program (SWMP) and to establish legal authority which authorizes or enables the city at a minimum to:

- (1) Comply with state and federal requirements related to stormwater management developed pursuant to the Clean Water Act;
- (2) Prohibit illicit discharges to the city stormwater management systems and facilities and receiving waters;
- (3) Control to the maximum extent practicable the discharge to the City stormwater management systems and facilities and receiving waters of spills, dumping, or disposal of materials other than stormwater;
- (4) Address specific categories of non-stormwater discharges and similar other incidental non-stormwater discharges listed in the SWMP;
- (5) Require erosion and sediment controls to protect water quality on all applicable new and re-development projects both during and after construction;
- (6) Where necessary, require stormwater discharge rate and volume controls during and following construction, development, or re-development activities;
- (7) Define and implement procedures for stormwater site plan review and stormwater site inspections of all applicable construction, development, and re-development projects within the city;
- (8) Control the discharge from the city stormwater management systems and facilities and receiving waters of pollutants in such quantity that water quality standards are met or to otherwise address post-construction, post-development, post-re-development, and long-term

water quality, including the necessary means needed to comply with state and federal regulations regarding stormwater management quantity and quality;

(9) Define procedures for addressing citizen complaints of stormwater-related issues within the city;

(10) Provide for adequate long term operation and maintenance of best management practices (BMPs);

(11) Prior to any approval of construction, development, or re-development activities within the city, require a letter from DHEC's Office of Ocean and Coastal Resource Management that states the proposed project is consistent with the Coastal Zone Management Act;

(12) Carry out inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with approved construction activity application conditions including the prohibition on illicit discharges to the city stormwater management systems and facilities and receiving waters;

(13) Encourage the use of non-traditional strategies to control stormwater discharges;

(14) Encourage the creation of riparian buffers and preservation of natural spaces to provide areas that could be used for flood storage, stormwater treatment and control, and recreation. Such areas may be required in special protection areas needed to protect, maintain, or enhance water quality and protect property from flooding problems;

(15) Develop, implement, and enforce action plans to address pollutant load reductions required in impaired waterbodies and to work towards compliance with total maximum daily loads (TMDLs) established by the EPA or the SCDHEC and to work towards meeting water quality standards; and

(16) Provide for the enforcement of the Stormwater Management Article.

(c) Further, it is the purpose of this article to establish review authority for the city's department of public service and the city's public works and utilities committee for establishing consistency of construction, development, and re-development projects with the city's SWMP.

Sec. 27-7. Construction and scope.

The application of this article and the provisions and references expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other ordinances of the city or powers granted the city by the State of South Carolina statutes, including, without limitation, the power to require additional or more stringent stormwater management requirements. If site characteristics on new development, re-development, and existing developments indicate that complying with these minimum requirements will not provide adequate designs or protection for local property, residents, or the environment, as determined by the director of public service or his designee, the property owner or operator shall be required to provide additional and appropriate management practices, control techniques, system designs, and engineering methods to attain an adequate level of protection.

Sec. 27-8. Severability.

It is declared the intent of city council that the sections, subsections, paragraphs, sentences, clauses and phrases of this Article are severable; and if any such provision shall be declared unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, it

shall not affect the validity or enforceability of any remaining provisions of this article, and it is the intent of city council that such provisions shall continue in full force and effect.

Sec. 27-9. Relationship with other laws, regulations, and ordinances.

Whenever the provisions of this article impose more restrictive standards than are required in or under any other law, regulation, or article, the requirements contained in this article shall prevail. Whenever the provisions of any other law, regulation, or ordinance require more restrictive standards than are required in this article, the requirements of such law, regulation, or ordinance shall prevail.

Sec. 27-10. Rules of language and interpretation.

For purposes of this article:

- (a) The word "shall" is mandatory; the word "may" is permissive;
- (b) The particular shall control the general;
- (c) Days shall mean calendar days;
- (d) Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary; and,
- (e) All public officials, bodies, and agencies to which reference is made are those of the city, unless otherwise indicated.

Sec. 27-11. Conflicting ordinances repealed.

All ordinances or parts of ordinances in conflict with the provisions of this article are hereby repealed. This article shall prevail in any and all conflicts with guidelines, manuals, or other publications.

Sec. 27-12--27-15. Reserved.

DIVISION 2. ORGANIZATION AND ADMINISTRATION

Sec. 27-16. The city stormwater management program.

The SWMP, which shall be developed by the department of public service with city council's approval, shall serve as the basis for directing the city's efforts to control stormwater. The swmp requirements shall be complied with and shall be enforced in accordance with the provisions of this article.

Sec. 27-17. Coordination with other agencies.

The department of public service may coordinate the city's activities with other federal, state, and local agencies, which manage and perform functions relating to the protection of receiving waters through written agreement. Authority not expressly reserved for other agencies or restricted by statute is placed with the department of public service for the protection and preservation of receiving waters. The department of public service should coordinate with state and federal agencies.

Sec. 27-18--27-23. Reserved.

DIVISION 3. STORMWATER QUANTITY AND QUALITY MANAGEMENT REQUIREMENTS

Sec. 27-24. Regulations.

The department of public service shall be responsible for day to day coordination, implementation, and enforcement of this article and the SWMP as well as the long-term management of the city's stormwater drainage. Without limitation, the Department of Public Service shall have the following authority:

- (1) To issue any approval, certification, or license that may be required to comply with this article;
- (2) To deny a facility connection to the city's stormwater management system or facility or to deny the discharge to receiving waters, if the state requirements and this article are not met;
- (3) To create and enact with city council's approval the city's Stormwater Design Standards Manual. The Stormwater Design Standards Manual shall be used to convey design and engineering standards, construction management processes and procedures, and other aspects necessary for compliance with this article;
- (4) To require the submittal of an application for all applicable construction activities, development activities, and re-development activities that result in activities altering an area of land:
 - a. That at a minimum disturb one-half (1/2 acre or more and are not within one-half (1/2 mile of a receiving water.
 - b. That at a minimum disturb less than one-half (1/2 acre and that are within one-half (1/2 mile of a receiving water.
 - c. Or other sites as deemed necessary by the director of public service or his designee.These applications shall include a plan to control stormwater pollutants and other components detailed in the City Stormwater Design Standards Manual.
- (5) To require the development of a stormwater pollution prevention Plan (SWPPP) for all applicable construction, development and re-development projects and enforcement of the SWPPP;
- (6) To approve applicable construction, development, and re-development activities and to require as a condition of such approvals, structural or non-structural controls, practices, devices, operating procedures, or other mechanisms to protect public and private property from flooding and erosion and attain TMDL-mandated pollutant load reductions and water quality standards;
- (7) The department of public service shall develop a process that organizes the closure of construction, development, and re-development projects to accommodate development phases and property ownership transfers;
- (8) To conduct all activities necessary to carry out the SWMP and other requirements included in this article, and to pursue the necessary means and resources required to properly fulfill this responsibility;
- (9) To require appropriate post construction, post development, and post redevelopment BMPs and appropriate continued maintenance of those ~~BPMs~~BMPs;
- (10) To determine appropriate fees and to take necessary and appropriate actions to enforce this article; and

(11) To require encroachment permits as necessary.

Sec. 27-25. Prohibitions and exemptions.

(a) No person shall (1) develop or re-develop any land, (2) engage in any industry or enterprise, (3) construct, operate, or maintain any landfill, hazardous waste treatment, disposal, or recovery facility, or any other industrial or related facility, (4) dispose of any hazardous material or toxic substance or other pollutant, or (5) otherwise allow the transport of sediment and other pollutants associated with stormwater runoff beyond property boundaries without complying with this article.

(b) The following development activities are exempt from the provisions of this article.

(1) Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products that is conducted in accordance with ~~BPMs~~BMPs and minimum erosion protection measures established by the South Carolina Forestry Commission pursuant to Section 48-18-70 of the 1976 Code of Laws of South Carolina, as amended.

(2) Activities undertaken by persons who are otherwise regulated by the provisions of Chapter 20 of Title 48, the South Carolina Mining Act.

(3) Land disturbing activities on agricultural land for production of plants and animals, including but not limited to: forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals; bees, fur animals, and aquaculture. The construction of an agricultural structure that requires the disturbance of one or more acres, including, but not limited to, broiler houses, machine sheds, repair shops, coops, barns shall require the submittal and approval of a land disturbance application prior to the start of the land disturbing activity.

Sec. 27-26. Design and engineering standards.

(a) The department of public service shall promulgate design and engineering standards that shall define the desired level of quality and performance for stormwater management systems on all applicable construction, development, and re-development activities in order to meet the purpose of this article. The standards establish the minimum technical requirements needed to evidence compliance through calculations, maps, drawings, or other items as necessary.

(b) The department of public service shall develop and adopt policies, criteria, specifications, and standards for the proper implementation of the requirements of this article, federal and state laws and regulations, the SWMP, and to provide a sound technical basis for the achievement of stormwater management, including water quality and quantity objectives.

(c) It shall be the responsibility of the property owner or operator for land disturbing activities to provide adequate controls to meet the design and engineering standards.

Sec. 27-27. Construction activity application.

(a) A submittal shall be made for all applicable construction, development, and re-development activities for review by the department of public service. The entire application process and requirements shall be described in a Stormwater Design Standards Manual more fully described in section 27-28.

(b) It shall be the responsibility of the applicant to provide a complete application package that meets the requirements of this article, the SWMP, and other state and federal regulations. Incomplete applications shall be returned to the applicant.

(c) A maintenance plan for the stormwater management system shall be included with the construction activity application and shall cover activities to be conducted during and after construction, development, or re-development. As part of the maintenance plan, the property owner of such facility shall specifically agree through signature of covenants to be responsible for keeping the system and facilities in working order.

(d) Construction and BMP maintenance and inspection schedules to be implemented during the construction activity and for as long as any stormwater facility is in service shall be included with the construction activity application. Required and recommended schedules for BMP maintenance and inspection are to be provided in the Stormwater Design Standards Manual.

(e) Prior to the issuance of an approved application for construction activity:

(1) The property owner shall execute a legal document entitled "Covenants for Permanent Maintenance of Stormwater Systems" which Covenants shall be recorded by the city in the office of the register mesne conveyance for Charleston County. The location of the facility, the recorded location of the covenants, and a statement of the property owner's responsibility for maintenance shall be included and also shown on the plat accompanying the construction activity application. In the case of an operator other than the property owner, a copy of a maintenance agreement between the operator and the property owner shall be included with the covenants, defining the operators' duties and responsibilities and a statement that the property owner shall be responsible for maintenance activities upon the termination of such maintenance agreement.

(2) The property owner shall grant to the city a perpetual, non-exclusive, transferable easement, beginning or ending at a public street or other access point that allows for public inspection and emergency repair of all components of the drainage system related to the flow of the stormwater, including all conveyances and all water quantity and quality control facilities. At the request of the director of public service or his designee, the property owner shall grant to the city rights-of-way necessary for the implementation and enforcement of this article. Stormwater quantity and quality control facilities shall be located so that required easements can be effectively used and ownership and maintenance responsibility can be clearly defined in deeds and plats.

(f) When the director of public service or his designee determines that additional storage capacity or pollutant load reduction beyond that required by the applicant for on-site stormwater management is necessary in order to enhance or provide for the public health, safety, and general welfare, to correct unacceptable or undesirable existing conditions or to provide protection in a more desirable fashion for future development, the city may:

(1) Require that the applicant grant any necessary easements over, through, or under the applicant's property to provide access to or drainage for such a facility; and/or

(2) Require that the applicant obtain from the property owner(s) over, through, or under where the stormwater management facility is to be located, any easements necessary for the construction and maintenance of same.

(g) If the construction, development, or re-development activity is to be phased, no stage work, related to the construction, development, or re-development of stormwater management facilities shall commence until the preceding stage of work is completed in

accordance with an approved application to perform the work. The procedure for construction, development, and re-development phases beginning and ending and what constitutes such conditions shall be developed by the applicant and submitted along with their construction activity application.

(h) Before commencing any work to implement the approved construction activity application and upon completion of any phase or designated component of the site, the applicant shall notify the Director of Public Service or his designee. Notification schedules shall be provided for in the Stormwater Design Standards Manual. All self-inspections, maintenance actions, BMP replacements, and changes to the approved application shall be documented and presented upon request to the director of public service or his designee.

Sec. 27-28. Stormwater Design Standards Manual.

Subject to city council approval, the department of public service is authorized to develop a Stormwater Design Standards Manual. The manual shall include design standards, procedures and criteria for conducting hydrologic, hydraulic, pollutant load evaluations, and downstream impact for all components of the stormwater management system. Although the intention of the manual is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented in such manual. Other accepted engineering procedures may be used to conduct hydrologic, hydraulic, and pollutant load studies if approved or required by the department of public service.

The manual shall contain at a minimum the following components:

- (a) Contents and approval procedures additional to section 27-27 for the construction activity application;
- (b) Construction, development, and re-development completion and closeout procedures;
- (c) Hydrologic, hydraulic, and water quality design standards for the purposes of controlling the runoff rate, volume, and pollutant load;
- (d) Information and requirements for construction, development and re-development projects in special protection areas necessary to address TMDLs, known problem areas and other areas necessary to protect, maintain, and enhance water quality and the environment of the city and the public health, safety, and general welfare of the citizens of the city;
- (e) Construction, development, and re-development document requirements;
- (f) Minimum easement requirements; and
- (g) Required and recommended inspection schedules and activities for all components of the stormwater management system, including construction, development, and re-development related BMPs.

The manual shall be updated as needed to reflect advances in technology and experience related to stormwater management.

Sec. 27-29. Stormwater Management Standards and Exemptions for Redevelopment. For redevelopment activities one (1) of the following performance standards shall be implemented as approved by the Department of Public Service:

(1) Reduce the impervious cover on the site by at least twenty (20) percent, based on a comparison of existing impervious cover at the time of submittal of a construction activity application; or

(2) Achieve a ten (10) percent reduction in the total volume of runoff generated from the site by a two-year storm event. Runoff calculations shall be based on a comparison of

existing site conditions at the time of submittal of a construction activity application to the post development site conditions; or

(3) Reduce the post development peak discharge rates by twenty (20) percent of the existing peak discharge rates at the time of submittal of a construction activity application for the ten-year and the twenty-five-year twenty-four-hour storm events based on a comparison of existing ground cover at the time of submittal of a construction activity application to post development site conditions.

The following land disturbing activities are exempt from the provisions of the article and the requirements of providing stormwater management measures. Even if exempt from this article, the following, as well as all land disturbing activity is not allowed to divert water to adjacent property to cause a nuisance and/or property damage and should comply with the intent of this article. These activities are also not exempt from implementing proper erosion and sediment control best management practices.

(1) Construction or improvement of a single-family residence (single family residence - separately built) or their accessory buildings, or mobile home, that is separately built and not part of multiple construction or a subdivision development approved under this article. If included in a land development plan, all land disturbing activities must follow the stormwater technical report and sediment and erosion control plan that has been approved for the construction activity.

(2) Minor land disturbing activities that do not disturb more than one-half (0.5) acre of land area that are (a) not part of a larger common plan and (b) do not increase total impervious cover by greater than 10% of the existing impervious cover.

(3) Any maintenance or renovation of an existing structure or system not materially changing or affecting the rate, concentration or volume of stormwater runoff where the total proposed improvements do not (a) increase total impervious cover on the property and (b) where any repair, reconstruction, or improvement to an existing site and/or to any structures located on that site such that the cumulative costs of repairs, over a five (5) year period does not equal or exceed fifty (50) percent of the fair market value of the property and the structures located on that property.

Sec. 27-~~29~~30. Termination of an approved construction activity application.

The notice of termination ("NOT") process shall be completed by the Department of Public Service prior to any of the following actions, as applicable:

- (a) The use or occupancy of any newly constructed components of the site;
- (b) Final acceptance of any road into the official city road inventory; and/or
- (c) Approval and/or acceptance for recording of map, plat, or drawing, the intent of which is to cause a division of a single parcel of land into two (2) or more parcels.

Sec. 27-~~30~~31. Stormwater management protection.

Maintenance of the stormwater management system is critical for the achievement of its purpose of controlling stormwater runoff quantity and quality and the short-term and long-term public health, safety, and general welfare of the citizens of the city. The department of public service shall develop procedures to provide reasonable assurances that maintenance activities are performed for both the city and privately maintained systems. The department

of public service shall also define procedures for transferring maintenance responsibilities to another person.

(a) Property owners shall be responsible for maintaining stormwater quantity and quality facilities and all conveyance structures located on their property. The minimum maintenance requirements shall be performed at necessary intervals, as determined by the director of public service or his designee, during construction and for as long as a stormwater management system or component is in use.

(b) A property owner or operator may hire or contract others to perform necessary maintenance actions.

(c) The city shall own and maintain all drainage system components that are constructed under or collect stormwater runoff from a city-owned road.

(d) The city may in its sole discretion accept, limit, or decline ownership and maintenance of all or part of a stormwater system.

Sec. 27-~~31~~32. Watercourse protection.

(a) Every person owning or operating property through which a watercourse passes shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the property owner or operator shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(b) To assist in the compliance with state and federal laws and regulations, the department of public service may develop special protection areas which require additional control of stormwater quality and quantity than provided by minimum design standards. Such areas may consist of watersheds corresponding to adopted TMDLs, known flooding problems and pollutant impairments, or other areas necessary to protect, maintain, and enhance water quality and the environment of the city and the public health, safety, and general welfare of the citizens of the city.

(c) New stormwater systems created as the result of any construction, development or re-development project shall be connected to the existing drainage system in a manner so as not to degrade the integrity of the existing system, whether natural or manmade. This shall be demonstrated to the department of public service prior to issuance of the NOT. Discharge points shall be confined to connections with an existing natural or man-made drainage system. When stormwater discharges are to flow into collection systems not owned and maintained by the city, the owners of these systems shall maintain the right to disapprove new connections to their system.

Sec. 27-~~32~~33. Notification of spills.

Notwithstanding other requirements of law, as soon as any person has any information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or receiving waters, said person shall take all necessary steps to discover, contain, and cleanup any such releases. This person shall also take immediate steps to protect against future recurrences of the discharge. In the event of such a release of hazardous materials, including but not limited to oils, greases, engine fluids and fuels, chemicals, herbicides and pesticides, and fertilizers, said person shall immediately notify all agencies as required by law.

Sec. 27-~~33~~34. Cleanup procedures.

The city may develop spill procedures on how non-hazardous spills are cleaned up, and who is responsible for the cleanup in terms of the activities to be performed and cost of such actions.

Sec. 27-3~~4~~5--27-39. Reserved.

Section 4. This Ordinance shall become effective upon ratification and shall apply to applications to the City's Technical Review Committee (TRC) received after the adoption of this ordinance.

Ratified in City Council this _____ day of _____
in the Year of Our Lord, 2017, in the _____ Year of
Independence of the United States of America.

By:

John J. Tecklenburg, Mayor
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank
Clerk of Council



City of Charleston

JOHN J. TECKLENBURG
Mayor

South Carolina
Department of Public Service

LAURA S. CABINESS, PE
Director

MEMORANDUM

To: Mayor Tecklenburg

From: Laura S. Cabiness, PE, Director of Public Service

Date: August 03, 2017

Subject: Recommendation for Redevelopment Standards for Stormwater Management in the City of Charleston

The following is a summary of the modified existing stormwater ordinance to address redevelopment practices within the City of Charleston. In summary, the following changes are proposed:

Sec. 27-2. Definitions.

- Under “Development or re-development”, remove “re-development” from this definition.
- Add the following definitions:
 - Redevelopment shall mean development on a previously developed site where the impervious surface on the developed site is equal to or greater than twenty (20) percent of the total site and where any repair, reconstruction, or improvement to an existing site and/or to any structures located on that site such that the cumulative costs of repairs, over a five (5) year period equals or exceeds fifty (50) percent of the fair market value of the property and the structures located on that property; but excludes ordinary maintenance activities, remodeling of existing building interiors, resurfacing of paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.
 - Ten-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in ten (10) years. It may also be expressed as an exceedance probability with a ten-percent chance of being equaled or exceeded in any given year.
 - Twenty-five-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in twenty-five (25)

years. It may also be expressed as an exceedance probability with a four (4) percent chance of being equaled or exceeded in any given year.

- Two-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two (2) years. It may also be expressed as an exceedance probability with a fifty (50) percent chance of being equaled or exceeded in any given year.
- Undeveloped land shall mean property not altered from its natural state by construction or installation of improvements such as roads, drainage improvements, buildings, structures, or other impervious surfaces, or which has less than twenty (20) percent of its property covered by impervious surfaces.

Sec. 27-3. Findings.

Add the following finding:

Redevelopment of parcels exhibiting existing impervious surfaces greater than twenty (20) percent of the total site area is becoming common practice within the City, and is encouraged to provide community benefit and reduce urban sprawl. As such, the City desires to implement practices for these parcels to reduce stormwater runoff, control peak flow and improve water quality for the betterment of the community and protection of downstream property and natural resources.

Sec. 27-28. Stormwater Design Standards Manual.

Add the following requirements to address design requirements associated with redevelopment sites:

For redevelopment activities one (1) of the following performance standards shall be implemented as approved by the Department of Public Service:

- (1) Reduce the impervious cover on the site by at least twenty (20) percent, based on a comparison of existing impervious cover at the time of submittal of a construction activity application.; or
- (2) Achieve a ten (10) percent reduction in the total volume of runoff generated from the site by a two-year storm event. Runoff calculations shall be based on a comparison of existing site conditions at the time of submittal of a construction activity application to the post development site conditions.; or
- (3) Reduce the post development peak discharge rates by twenty (20) percent of the existing peak discharge rates at the time of submittal of a construction activity application for the ten-year and the twenty-five-year twenty-four-hour storm events based on a comparison of existing ground cover at the time of submittal of a construction activity application to post development site conditions.

The following land disturbing activities are exempt from the provisions of the article and the requirements of providing stormwater management measures. Even if exempt from this article, the following, as well as all land disturbing activity is not allowed to divert water to adjacent property to cause a nuisance and/or property damage and should comply with the intent of this

article. These activities are also not exempt from implementing proper erosion and sediment control best management practices.

- (1) Construction or improvement of a single-family residence (single family residence - separately built) or their accessory buildings, or mobile home, that is separately built and not part of multiple construction or a subdivision development approved under this article. If included in a land development plan, all land disturbing activities must follow the stormwater technical report and sediment and erosion control plan that has been approved for the construction activity.
- (2) Minor land disturbing activities that do not disturb more than one-half (0.5) acre of land area that are (a) not part of a larger common plan and (b) do not increase total impervious cover by greater than 10% of the existing impervious cover.
- (3) Any maintenance or renovation of an existing structure or system not materially changing or affecting the rate, concentration or volume of stormwater runoff where the total proposed improvements do not (a) increase total impervious cover on the property and (b) where any repair, reconstruction, or improvement to an existing site and/or to any structures located on that site such that the cumulative costs of repairs, over a five (5) year period does not equal or exceed fifty (50) percent of the fair market value of the property and the structures located on that property.